

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

WHITNEY HOUSTON,
Plaintiff,

VS.

**LANDIS TRANSPORT, L.L.C. and
JARVIS R. PAYTON,**
Defendants.

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Civil Action No. _____

NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

I.

JARVIS R. PAYTON and **LANDIS TRANSPORT, LLC** are Defendants in a civil action brought in the 270th Judicial District Court of Harris County, Texas, and entitled *Whitney Houston v. Landis Transport, LLC and Jarvis R. Payton*, Cause No. 2013-26397. A copy of Plaintiff's Original Petition in that action is attached hereto as Exhibit "A."

II.

The Plaintiff's Original Petition for this cause of action was first filed on May 2, 2013. Defendants were served with process beginning on May 15, 2013. Defendants filed their responsive pleadings on June 7, 2013. This Notice of Removal is filed with this Court within thirty days after service of Plaintiff's Original Petition on the removing parties and in compliance with 28 U.S.C. §1446(b). All Defendants join in and/or consent to this removal.

III.

The Plaintiff's Original Petition seeks recovery under common law negligence for alleged injuries received in a motor vehicle accident which occurred on or about February 6,

2013 in approximately the 4800 block of the Texas Spur 5 Frontage Road in Houston, Harris County, Texas. The nature of this action is more fully stated in Plaintiff's Original Petition, a copy of which is filed herewith and attached hereto as Exhibit "A."

IV.

This Court has original jurisdiction over the causes of action alleged by Plaintiff pursuant to 28 U.S.C. §1332(a) (Diversity of Citizenship). Therefore, pursuant to the provisions of 28 U.S.C. §1441 *et. seq.*, this cause of action may be removed to the United States District Court for the Southern District of Texas, Houston Division.

V.

Defendants file herewith copies of all process, pleadings, and orders received by counsel for Defendants (see Exhibit "B").

VI.

Promptly after filing of this Notice of Removal, written notice thereof will be given to all parties, and a copy of this Notice will be filed with the Clerk of the District Courts, Harris County, Texas to effect the removal of such civil action to this Honorable Court as provided by law.

WHEREFORE, PREMISES CONSIDERED, Defendants, **JARVIS R. PAYTON** and **LANDIS TRANSPORT, LLC**, prays that this Notice of Removal be accepted as good and sufficient, that the aforesaid Plaintiff's Original Petition be removed from State Court to this Honorable Court for determination as provided by law, and that this Court enter such orders and issue such process as may be proper to bring before it copies of all records and pleadings in such civil action from State Court, and thereupon proceed with this civil action as if it had been originally commenced in this Court.

Respectfully submitted,

CALVERT EAVES CLARKE & STELLY, L.L.P.

Beaumont Tower

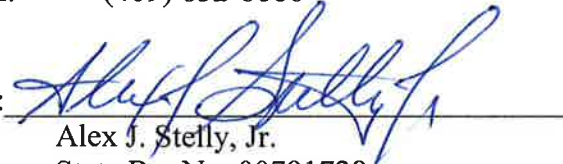
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By:



Alex J. Stelly, Jr.

State Bar No. 00791728

S.D. Bar No. 18809

ATTORNEY FOR DEFENDANTS,

JARVIS R. PAYTON and LANDIS

TRANSPORT, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing was furnished to all counsel of record by:

 X United States Certified Mail, return receipt requested

 Hand-Delivery

 Federal Express

 X Telefacsimile

on this 14th day of June, 2013.



Alex J. Stelly, Jr.